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United Nations

Report of the Committee on Enforced Disappearances

Thirteenth session
(4–15 September 2017)

Fourteenth session
(22 May–1 June 2018)

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United Nations • New York, 2018

Note

Symbols of United Nations documents are composed of letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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Chapter I
Organizational and other matters

A. States parties to the Convention

1. As at 1 June 2018, the closing date of the fourteenth session of the Committee on Enforced Disappearances, there were 58 States parties and 97 signatory States to the International Convention for the Protection of All Persons from Enforced Disappearance, which was adopted by the General Assembly in its resolution 61/177 of 20 December 2006 and opened for signature and ratification on 6 February 2007. In accordance with its article 39 (1), the Convention entered into force on 23 December 2010.

2. The updated list of States parties to the Convention, as well as information on declarations made under articles 31 and 32 and reservations, is available from https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-16&chapter=4&clang=_en.

B. Meetings and sessions

3. The Committee held its thirteenth session at the United Nations Office at Geneva from 4 to 15 September 2017. It held 20 plenary meetings. The provisional agenda (CED/C/13/1) was adopted by the Committee at its 218th meeting. The thirteenth session was opened by the Director of the Field Operations and Technical Cooperation Division of the Office of the United Nations High Commissioner for Human Rights (OHCHR).

4. In her opening statement, she welcomed the members of the Committee and thanked them for providing leadership in the fight against the most egregious human rights violation of enforced and involuntary disappearances. She expressed her support for the work and results that the Committee had achieved to date. Owing to the work of the Committee, hundreds of families of victims had been assisted, some individuals had been located or identified, and many States parties had included, or were considering including, the crime of enforced disappearance in their national legislation. Enforced disappearances continued to be perpetrated globally, as demonstrated by the approximately 500 urgent action requests registered by the Committee since its establishment. While one cannot know how many people had been able to secure freedom from enforced disappearances or secret detentions because of the implementation of the Convention, it was obvious that its preventive effect was substantive. Likewise, she emphasized the importance of galvanizing broad-based ratification of the Convention, an objective that had been advanced by the ratification campaign launched by the United Nations High Commissioner for Human Rights, which aimed at doubling the number of States parties within five years. She spoke about the work of the High Commissioner and the staff at OHCHR over the previous year, with special mention being given to the work of OHCHR in Mexico, Honduras and Sri Lanka. OHCHR in Mexico had provided advice on the adoption of a general law aligned on human rights standards and had continued to support the efforts of the Federal Police and the Federal Commission for the Attention of Victims. Likewise, OHCHR in Honduras had provided technical assistance to the Government with respect to the review of the State party report to the Committee. In conclusion, she stressed the importance of legal standards and recommendations by treaty bodies to effectively fight enforced disappearance at the national level.

5. The Committee held its fourteenth session at the United Nations Office at Geneva from 22 May to 1 June 2018. It held 18 plenary meetings. The provisional agenda (CED/C/14/1) was adopted by the Committee at its 238th meeting. The fourteenth session was opened by the Director of the Human Rights Council and Treaty Mechanisms Division.

6. In his opening statement, he expressed his support for the work and results that the Committee had achieved to date and highlighted the most important developments concerning matters related to the Convention and the Committee. In particular, he referred

to the commemoration of the seventieth anniversary of the Universal Declaration of Human Rights and the twenty-fifth anniversary of the Vienna Declaration and Programme of Action.

7. He continued by noting the latest ratification of the Convention by Benin and the efforts made by the General Assembly and OHCHR to continue providing support and assistance to States with a view to achieving universal adherence. Subsequently, he made a brief reference to the General Assembly resolution on the International Convention for the Protection of All Persons from Enforced Disappearance (resolution 72/183) adopted in December 2017, in which, inter alia, the Assembly expressed its deep concern at the growing number of enforced disappearances and welcomed the work of the Committee and its cooperation with the Working Group.

8. Furthermore, he mentioned the work of the High Commissioner and OHCHR staff over the previous year on transitional justice issues, in particular in Bolivia (Plurinational State of), Colombia and the Gambia, as well as Kosovo.[1] He then referred to the joint study on the prevention of gross violations and abuses of human rights and serious violations of international humanitarian law (A/HRC/37/65) elaborated by the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence and the Special Adviser of the Secretary-General on the Prevention of Genocide. Likewise, he pointed out the recent developments at the regional and national levels in the European and inter-American contexts.

9. In his concluding remarks, he referred to the budgetary constraints that OHCHR and the treaty bodies were facing in the aftermath of a resolution adopted at the seventy-second session of the General Assembly and the commitment to address this situation and continue to support the work of the Committee.

C. Membership and attendance

10. A list of the current members of the Committee, indicating the duration of their terms of office, is contained in annex I.

11. At its thirteenth session, the Committee elected Suela Janina as Chair of the Committee.

12. All members attended the thirteenth and fourteenth sessions of the Committee. The Chair of the Committee attended the 30th meeting of Chairs of the human rights treaty bodies from 29 May to 1 June 2018.

D. Decisions of the Committee

13. At its thirteenth session, the Committee decided, inter alia:

(a) To elect by consensus the following members of its Bureau, with due regard to equitable geographical representation:

- Chair: Ms. Janina (Albania);
- Vice-Chairs: Rainer Huhle (Germany), Mohammed Ayat (Morocco), Maria Clara Galvis Patiño (Colombia);
- Rapporteur: Koji Teraya (Japan).

(b) To appoint members to the functions of the rapporteurs on urgent action; the rapporteur on intimidation and reprisal; the rapporteurs on communications and follow-up to Views; and the rapporteurs on the report on follow-up to concluding observations;

[1] All references to Kosovo in this report should be understood to be in the context of Security Council resolution 1244 (1999).

(c) To appoint the country rapporteurs who will draft the lists of issues related to the reports of Japan, Peru and Portugal and will lead the constructive dialogue with the States parties;

(d) To adopt the concluding observations on the reports submitted by Gabon and Lithuania under article 29 (1) of the Convention;

(e) To adopt the lists of issues on Albania, Austria and Honduras;

(f) To adopt the follow-up reports of Burkina Faso, Iraq, Kazakhstan, Montenegro and Tunisia;

(g) To examine States parties in the absence of a report when the report is more than five years late and to send a reminder to all States that have not submitted their reports on time;

(h) To reiterate the request for a visit under article 33 of the Convention to Mexico by note verbale;

(i) To continue considering the issue of the obligation under the Convention to search for and locate disappeared persons;

(j) To welcome the latest recommendations to update documentation on the relationship of the Committee with national human rights institutions (CED/C/6) endorsed by the 29th meeting of the Chairs of the human rights treaty bodies and to review the current documents in order to align them with these recommendations;

(k) To adopt the informal report on its thirteenth session;

(l) To adopt the list of issues to be included in the provisional agenda of its fourteenth session (see annex II).

14. At its fourteenth session, the Committee decided, inter alia:

(a) To adopt concluding observations on the reports submitted by Albania, Austria and Honduras under article 29 (1) of the Convention;

(b) To adopt the lists of issues on Japan and Portugal;

(c) To appoint country rapporteurs for the reports of Chile, Italy and Peru;

(d) To reiterate its decision to examine States parties in the absence of a report when the reports are more than five years late (Bolivia (Plurinational State of), Brazil, Mali and Nigeria);

(e) To amend its working methods to reflect the main elements of its procedure on the assessment of additional information submitted by States parties pursuant to article 29 (4) of the Convention;

(f) To invite Mexico to a follow-up dialogue on implementation of the concluding observations, the new developments that had occurred after 11 February 2015 and developments in the State party reflected in requests under the urgent action procedure. In accordance with the Committee's decision on the translation of draft documents (see A/71/56, para. 19), the Committee also decided that its follow-up observations pursuant to article 29 (4) be translated in the working languages of the Committee for consideration and adoption in the plenary;

(g) To establish a working group to continue considering the issue of the obligation under the Convention to search for and locate disappeared persons and to prepare guidelines on such an obligation. In accordance with the above-mentioned decision of the Committee to translate draft documents, it also decided to have a draft ready in the working languages of the Committee for consideration at its fifteenth session with a view to discuss and adopt it in the plenary;

(h) To initiate the preparation of an analytical study on its urgent action procedure;

(i) To adopt a statement on the draft articles on crimes against humanity, prepared by the International Law Commission;

(j) To endorse the joint statement by the Chairs of the human rights treaty bodies and the Special Rapporteur on the situation of human rights defenders;

(k) To adopt the informal report on its fourteenth session;

(l) To adopt its annual report to the General Assembly for submission at the seventy-third session of the Assembly;

(m) To adopt the list of items to be included in the provisional agenda of its fifteenth session;

(n) To reiterate its requests that the fifth week of meeting time granted to the Committee is effectively implemented;

(o) To reiterate its call to all relevant stakeholders to promote the ratification of the Convention, including in the framework of the High Commissioner's 2017 campaign to double the number of ratifications in five years.

E. Adoption of the annual report

15. At the end of its fourteenth session, the Committee adopted, in compliance with article 36 (1) of the Convention, its seventh report to the General Assembly, on its thirteenth and fourteenth sessions.

Chapter II
Methods of work

16. During its thirteenth and fourteenth sessions, the Committee used English, French and Spanish as working languages and Arabic when necessary.

17. During its thirteenth session, the Committee discussed the following issues:

(a) Methods of work related to articles 29 to 34 of the Convention;

(b) Strategy to increase ratification of the Convention;

(c) Other matters.

18. During its fourteenth session, the Committee discussed the following issues:

(a) Methods of work related to articles 29 to 34 of the Convention;

(b) Strategy to increase ratification of the Convention;

(c) Holding of a follow-up discussion in relation to additional information submitted by Mexico under article 29 (4) of the Convention;

(d) Resources allocated to the Committee;

(e) Other matters.

Chapter III
Relations with stakeholders

A. Meetings with Member States

19. On 13 September 2017, the Committee held a public meeting with Member States, which was attended by eight States: Argentina, Brazil, France, Japan, Iraq, Libya, Mongolia and United States of America. Argentina, Iraq, Japan and France took the floor and reaffirmed their commitment to the work of the Committee and the goal of doubling the number of ratifications of the Convention within the following five years. Argentina thanked the Committee for its continuing work within the country and highlighted their ongoing willingness to cooperate. Japan highlighted its continuing efforts to increase the number of States parties to the Convention, specifically in Asia, and spurred a discussion on how best to encourage ratification moving forward. France underscored the complementarity of the Committee and the Working Group and encouraged the former to continue to look at the issue of enforced disappearances perpetrated by non-State actors. The Committee thanked States for their ongoing support and encouraged them to accept its competence under article 31 of the Convention.

20. On 29 May 2018, the Committee held a public meeting with Member States, which was attended by 22 States: Argentina, Austria, Belgium, Brazil, Burundi, Costa Rica, Ecuador, El Salvador, France, Germany, Italy, Japan, Lithuania, Maldives, Mexico, Morocco, Niger, Slovenia, Sri Lanka, the former Yugoslav Republic of Macedonia, Uganda, and Uruguay. Argentina, France, Japan, Mexico and Morocco took the floor and reaffirmed their commitment to the work of the Committee and the goal of doubling the number of ratifications of the Convention within the following five years. Argentina thanked the Committee for its continuing work and announced the relaunch of its ratification strategy. Japan highlighted its continuous efforts to increase the number of States parties to the Convention, specifically in Asia, and spurred a discussion about the main dissuasive challenges for non-member States in ratifying the Convention. France, in its efforts to raise awareness of the Convention, submitted a cross-regional declaration to the thirty-fifth session of the Human Rights Council. Morocco suggested to work on a strategy to enlarge the visibility of the Convention. Finally, Mexico indicated that, following the concluding observations of the Committee, it had adopted a new law on enforced disappearances and expressed its willingness to continue its dialogue with the Committee.

B. Meeting with the Working Group on Enforced or Involuntary Disappearances

21. On 12 September 2017, the Committee held its 6th annual meeting with the Working Group on Enforced or Involuntary Disappearances. The Chair of the Committee thanked the Working Group for its strong support during the first conference of the States parties to the Convention, which confirmed the Committee as the monitoring body of the Convention. She introduced the new members of the Committee and provided information about the composition of its Bureau. She provided information about the recent activities of the Committee and its decision to examine non-reporting States in the absence of a report when the reports were more than five years late. She also noted the new periods for the Committee's sessions in 2018 and expressed her wish that an opportunity be found for joint meetings between the two mechanisms. The Chair of the Working Group noted that the Working Group had witnessed a sustained, if not an upward, trend in the number of cases of enforced disappearance, concerning, in particular, disappearances perpetrated by non-State actors. Furthermore, she noted the increase in the number of urgent action requests for short-term enforced disappearances. She referred the Committee to the Working Group's annual report for further information regarding its undertakings in the current year. Subsequently, the Working Group and the Committee discussed actions carried out by the former to encourage ratification of the Convention, particularly in the context of country visits. The Working Group stressed that the issue of ratification had been systematically

incorporated into all aspects of the Working Group's activities. The Committee then highlighted its decision not to take up urgent action requests already being addressed by the Working Group. The Working Group stated that it was considering the matter of urgent actions submitted to both mechanisms. The Chair of the Committee noted that the issue of duplication would be taken up again at the next meeting of the Working Group and the Committee. Both the Committee and the Working Group expressed a strong desire to continue to work together in complementarity, specifically by issuing joint statements whenever possible, sharing information and meeting on a regular basis.

C. Meetings with national human rights institutions

22. On 13 September 2017, the Committee held a public meeting with the Global Alliance of National Human Rights institutions. The Geneva representative of the Global Alliance underlined the importance of close cooperation between the Committee and national human rights institutions and pointed out their shared priorities, which were promoting ratification of the Convention in all regions and States parties' compliance with their reporting obligations under article 29 (1). She noted the various activities conducted by the Global Alliance in that regard, including the hosting of an annual training for the staff of national institutions from all regions on the international human rights mechanisms and the accreditation process that the Global Alliance carried out in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Furthermore, she mentioned the Global Alliance's annual conference, which focused on the role of national institutions in the protection and promotion of human rights in situations of violence and conflict. In her address, the representative of the Global Alliance highlighted the role of national institutions in promoting the realization of human rights through the Sustainable Development Goals, particularly Goal 16. The Global Alliance concluded by reiterating its support and that of its members for the work of the Committee and other treaty bodies at both national and international levels. The Committee's members reiterated their belief in the invaluable role that national institutions played in both the work of the Committee and in the international human rights system.

23. On 29 May 2018, the Committee held another public meeting with the Global Alliance. The Geneva representative of the Global Alliance underlined the importance of close cooperation between the Committee and national institutions and pointed out their shared priorities, which were promoting ratification of the Convention in all regions and State parties' compliance with their reporting obligations under article 29 (1). She noted the various activities conducted by the Global Alliance in that regard, including the accreditation process that it carried out in accordance with the Paris Principles and the general observations that elaborated on the application of those principles. Furthermore, she mentioned the Global Alliance's annual conference, which would take place in 2018 on the theme of "Expanding the civic space and promoting human rights defenders, with a specific focus on women: the role of national human rights institutions". She concluded by reiterating the support of the Global Alliance and that of its members for the work of the Committee and the other treaty bodies at both national and international levels. The Committee members reiterated their belief in the invaluable role that national institutions played both in the work of the Committee and in the international human rights system.

D. Meetings with non-governmental organizations and civil society

24. On 13 September 2017, the Committee held a public meeting with non-governmental organizations (NGOs) and civil society. Representatives of the following NGOs made statements: the Association of World Citizens, the World Sindhi Congress, Geneva for Human Rights, the International Commission of Jurists and the Asian Legal Resource Centre. Common points of discussion comprised the need to increase the number of ratifications of the Convention, the challenges of combating enforced disappearance in States that were not party to the Convention and the obligations under the Convention to search for and locate disappeared persons. Geneva for Human Rights expressed its support

for the Committee regarding the goal of rapidly increasing the number of ratifications of the Convention and stressed the need to have an effective network of NGOs working specifically on enforced disappearances. The representative of the International Commission of Jurists encouraged the Committee to continue to develop the substantive provisions of the Convention and to set clear standards through its concluding observations. The Committee reiterated its commitment to honouring the work of NGOs and civil society as far as the legal framework of the Convention permitted.

25. On 29 May 2018, the Committee held another public meeting with NGOs and civil society. A representative of the Alkarama Foundation took the floor and referred to the situation that many victims of enforced disappearances and their families were facing in Iraq during the armed conflict. In particular, the representative pointed out the passive attitude of the Government of Iraq regarding the search and location of the disappeared persons and the lack of information given to their families. The Latin-American Federation of Associations for Relatives of the Detained-Disappeared presented the situation in several Latin-American countries, including in the Plurinational State of Bolivia. Geneva for Human Rights pointed out the main challenges for the universal ratification of the Convention and made remarks about the report on the 2020 review of the treaty bodies prepared by the Geneva Academy of International Humanitarian Law and Human Rights. The Committee reiterated its commitment to honouring the work of NGOs and civil society as far as the legal framework of the Convention permitted.

Chapter IV
Consideration of reports submitted by States parties under article 29 of the Convention

26. At its thirteenth session, the Committee considered the reports of Lithuania (CED/C/LTU/1) and Gabon (CED/C/GAB/1), and adopted concluding observations on those reports (CED/C/LTU/CO/1 and CED/C/GAB/CO/1, respectively).

27. At its fourteenth session, the Committee considered the reports of Albania (CED/C/ALB/1), Austria (CED/C/AUT/1) and Honduras (CED/C/HND/1), and adopted concluding observations on those reports (CED/C/ALB/CO/1, CED/C/AUT/CO/1 and CED/C/HND/CO/1, respectively).

Chapter V
Adoption of the report on follow-up to concluding observations

28. At its thirteenth session, the Committee adopted its report on follow-up to concluding observations (CED/C/13/4), which reflected the information received by the Committee between its eleventh and thirteenth sessions concerning the status of implementation of its concluding observations on Burkina Faso (CED/C/BFA/CO/1/Add.1), Iraq (CED/C/IRQ/CO/1/Add.1), Kazakhstan (CED/C/KAZ/CO/1/Add.1), Montenegro (CED/MNE/CO/1/Add.1) and Tunisia (CED/C/TUN/CO/1/Add.1) and the assessments and decisions it adopted at its thirteenth session.

Chapter VI
Adoption of lists of issues

29. At its thirteenth session, the Committee adopted the lists of issues on Albania (CED/C/ALB/Q/1), Austria (CED/C/AUT/Q/1) and Honduras (CED/C/HND/Q/1).

30. At its fourteenth session, the Committee adopted the lists of issues on Japan (CED/C/JPN/Q/1) and Portugal (CED/C/PRT/Q/1).

Chapter VII
Exchanges with States parties

31. At its thirteenth session, the Committee expressed its deep concern at the number of overdue reports of States parties and reminded States that they were required to report within two years of ratification of the Convention, in accordance with article 29. The Committee also expressed its concern that the reports of Bolivia (Plurinational State of), Brazil, Chile, Mali and Nigeria had still not been submitted, notwithstanding the fact that those States had been among the first to ratify the Convention. The Committee noted that the reports of Cambodia, Costa Rica, Lesotho, Mauritania, Morocco, Panama, Samoa, Togo and Zambia were significantly overdue. The Committee reiterated that its efficient functioning depended on the timely submission of reports and urged States parties to respect their legal obligation to submit reports on time.

32. At its fourteenth session, the Committee expressed its gratitude to the States parties that had submitted their reports within the specified time period and encouraged others to follow their example. The Committee was deeply concerned by the number of overdue reports of States parties and reminded States that they were required to report within two years of ratification of the Convention, in accordance with article 29. The Committee also expressed its concern that the reports of Bolivia (Plurinational State of), Brazil, Chile, Mali and Nigeria had still not been submitted, notwithstanding the fact that those States had been among the first to ratify the Convention. The Committee further noted that the reports of Belize, Cambodia, Costa Rica, Greece, Lesotho, Malta, Mauritania, Mongolia, Morocco, Panama, Niger, Samoa, Togo, Ukraine and Zambia were significantly overdue. The Committee reiterated that its efficient functioning depended on the timely submission of reports and urged States parties to respect their legal obligation to submit reports on time. On 26 January 2018, reminders were sent to Belize, Cambodia, Costa Rica, Greece, Lesotho, Malta, Mauritania, Mongolia, Morocco, Niger, Panama, Samoa, Togo and Zambia.

33. The Committee reiterated its decision to examine States parties in the absence of a report when the reports were more than five years late. To this effect, on 1 February 2018, the Committee sent a note verbale to Bolivia (Plurinational State of), Brazil, Mali and Nigeria informing them that, should the reports of the States parties not be received by 23 October 2018, the Committee had decided to review them in the absence of a report.

Chapter VIII
Reprisals

34. The Committee noted with satisfaction that, during the reporting period, it had not received any allegations from individuals of acts of intimidation or reprisal for seeking to cooperate or cooperating with the Committee.

Chapter IX
Urgent action procedure under article 30 of the Convention

A. Requests for urgent action received and registered since the establishment of the Committee

35. From 2012 to 1 June 2018, the Committee had received 574 requests for urgent action, including 125 during the period covered by the present report. Of the 574 requests, 495 had been registered with the following breakdown by year and country.

Table 1
Urgent actions registered, by year and by country

Year	*Argentina*	*Armenia*	*Brazil*	*Cambodia*	*Colombia*	*Honduras*	*Iraq*	*Kazakhstan*	*Mexico*	*Morocco*	*Mauritania*	*Sri Lanka*	*Total*
2012	—	—	—	—	—	—	—	—	5	—	—	—	5
2013	—	—	—	—	1	—	—	—	6[a]	—	—	—	7
2014	—	—	1	1	1	—	5	—	43	—	—	—	51
2015	—	—	—	—	3	—	43	—	165	—	—	—	211
2016	—	—	—	—	4	—	22	—	58	1	—	—	85
2017	2	1	—	—	3	—	43	2	31	2	1	1	86
2018[b]	—	—	—	—	6	14	10	—	20	—	—	—	50
Total	**2**	**1**	**1**	**1**	**18**	**14**	**123**	**2**	**328**	**3**	**1**	**1**	**495**

[a] Urgent action No. 9/2013 refers to two persons. It is therefore counted as two urgent actions.
[b] As of 1 June 2018.

B. The process after registration of urgent action requests: developments observed since the twelfth session (up to 1 June 2018)

1. Interaction with States parties

36. The Committee maintains contact with States parties through their respective permanent missions. In order to maximize the impact of the Committee's recommendations regarding requests for urgent action, the Committee considers it would be necessary to establish more direct contact with the authorities responsible for searching for disappeared persons and investigating their disappearance, so that the Committee's concerns and recommendations may be communicated to them more directly if necessary.

37. The majority of registered urgent actions are still related to events that have occurred in Mexico and Iraq. With regard to Mexico, at the time of writing, no reply has been received in 70 of the urgent actions registered and the State party has not responded to a number of the follow-up notes (in 20 urgent action cases). Reminders have been sent in these cases.

38. For urgent action cases in which Mexico has responded to the Committee's requests and recommendations, the following trends may be observed:

(a) In all the urgent action cases, the State party's observations and the authors' comments continue to reflect sporadic, isolated actions that do not seem to be part of, or be directed by, a previously defined search and investigation strategy or to reflect the development of an exhaustive search;

(b) Investigative actions by the authorities are frequently not carried out unless relatives, close contacts or representatives of the disappeared persons take the initiative. If

relatives, close contacts or representatives are unable to identify leads for the investigators or are unable to persuade the authorities to take action, the cases generally remain deadlocked;

(c) The searches are almost invariably begun by sending official requests for information to hospitals and detention centres. Most of these letters remain unanswered. The Committee has expressed concern that, in such cases, the Public Prosecutor's Office does not appear to make full use of its authority to employ enforcement measures in order to obtain the requisite information. The Committee has also been informed of cases in which enforcement measures, such as orders of detention, were requested, but no action was taken by the authorities in charge;

(d) In the vast majority of cases, on-site investigations are very rarely carried out. The authors of the urgent action requests frequently inform the Committee that the investigating authorities tell them that they are afraid to go to the locations in which they might be able to collect evidence;

(e) The authors often allege that the authorities in charge of the search and investigation are directly or indirectly involved in the events and that the processes therefore remain deadlocked;

(f) There has been a failure to execute orders to conduct investigations issued by the Public Prosecutor's Office. The authorities often fail to take action and it is alleged that they sometimes obstruct searches and investigations. In such cases, the Committee has requested the State party to implement clear and formal mechanisms that would require the teams responsible for searching for missing persons and investigating their enforced disappearance to issue regular and transparent reports on the progress made and difficulties encountered. The State party has also been requested to take all necessary measures to investigate and punish any actions by the State party's authorities that may have hindered the effectiveness of the search and investigation processes under way;

(g) There is still fragmentation among the investigations by State institutions, and between State and federal institutions. There is also a lack of inter-agency coordination and pursuit of a joint strategy. Given these circumstances, great difficulties have reportedly been encountered in incorporating all the evidence into a single investigation. Fragmentation and lack of coordination tend to cause excessive delays in the investigative procedure.

39. At the time of writing the Committee has registered 123 urgent actions related to events in Iraq. At the twelfth session, a meeting was held between the Permanent Mission of Iraq to the United Nations Office and other international organizations in Geneva and the Committee, in which the latter raised its concern at the lack of a reply by the State party to more than 25 urgent actions, even though four reminders had been sent. The Committee recalled that, in its last reminder, it had highlighted that, if no reply were received by the indicated deadline, then the Committee would take note of the lack of compliance by the State party with its obligations under article 30 of the Convention concerning the urgent actions and may decide to make that situation public at its next session through its sessional report on urgent actions and the next report to the General Assembly. During that meeting, the State party undertook to send information in the weeks following the session on the urgent actions in question, which it did. However, at the time of writing, no reply has been received in relation to 18 of the urgent action requests concerning Iraq. When replies have been sent by the State party, the Committee is concerned by their content because of the following issues: (a) the replies request the Committee to provide information on the identity of the disappeared person, which the Committee has already provided in its initial notes of registration of the urgent action requests; and (b) the State party requests the Committee to provide data on the authors of the urgent action or to invite the relatives of the disappeared persons to visit the Human Rights Department at the Office of the Inspector General in the Ministry of the Interior to file a formal request for the search and to give a statement as a means of furthering the ongoing investigations. In response to those notes, the Committee stated that the requested information relating to the identity of the victims had already been provided in the Committee's previous notes and that the identities of the authors of the requests were confidential. The Committee also expressed concern at the way

in which, according to the information available, persons visiting the Human Rights Department following the State party's request had been treated (in two cases, the Committee had been informed that, when the wife of a disappeared person had gone to the Human Rights Department with a copy of the State party's note to the Committee, she had been told that she had no reason to be there and that it would be better to go to the morgue to look for her husband). The Committee also highlighted that, through such action, the State party was violating its obligations under the Convention, re-victimizing the victims and violating its own official commitment before the Committee that the person would be received by the Human Rights Department to promote the search for the disappeared person.

40. The State party then started to send batches of replies (respectively referring in one note to 33, 23, 31 and 36 urgent actions), indicating that it did not have information on the persons on behalf of whom the urgent action requests had been registered. In response, the Committee sent notes to the State party indicating that replies of that kind were not in conformity with its treaty obligations, and drawing the State party's attention to the requests and recommendations contained in the notes issued to register the urgent action requests, in which the competent authorities were asked to adopt search and investigation strategies and take every necessary measure to search for all of the disappeared persons and investigate their disappearances. The Committee also reminded the State party of its obligation to provide information on the actions taken in that regard. A meeting was held during the fourteenth session with the Permanent Mission, in which the Committee highlighted its concern regarding the high number of disappearances that had occurred in the State party and the replies received. The Committee recalled the State party's obligations as regards searching for disappeared persons and investigating their disappearances, and its particular concern at the extremely high number of cases that remained without any form of action by the State party's authorities.

41. As regards requests for urgent action addressed to other States parties, the Committee highlights the following:

(a) Argentina:

(i) The urgent action request registered in the case of the minor Valentín Ezequiel Reales is ongoing (urgent action No. 358/2017). The State party continues to deny that the State authorities were involved in the events in question. A follow-up note was sent in which the Committee emphasized the State party's obligation to investigate every possible hypothesis in the case and any possible cover-ups that may have occurred in the search for the missing child and the investigation of his disappearance;

(ii) With regard to the urgent action registered in the case of Santiago Maldonado (urgent action No. 381/2017): the Committee was informed that, on 20 October 2017, a body located in the Chubut River had been identified as Mr. Maldonado by a team of forensic experts. The family also identified the body. In accordance with article 30 (4) of the Convention, the Committee considered that the purpose of the urgent action, which was to search for and locate the disappeared person, had been fulfilled. On 23 January 2018, the Committee sent a note to the State party to inform it that the request for urgent action had been closed. It also reminded the State party that the fact that Mr. Maldonado's body had been located did not relieve it of its other obligations under the Convention, including the obligation, enshrined in article 12, to conduct a thorough, impartial and independent investigation into the circumstances of his disappearance between 1 August and 20 October 2017; to ensure the full participation of his relatives and their representatives in the investigative process; to protect the relatives of the disappeared person and their defence counsel, witnesses and any person involved in the investigation from any form of pressure, intimidation or reprisal; and, in the event that Mr. Maldonado was found to have been the victim of an enforced disappearance, to ensure that the perpetrators were duly investigated and punished and to guarantee the victims' right to reparation. In order to ensure that the closure of the request for urgent action did not give rise to any controversy or misinterpretation, the Committee issued an

explanatory note that was published on the Committee's web page and disseminated to the media.

(b) Armenia: in the case of Ara Khachatryan (urgent action No. 376/2017), the State party sent a response stating that a preliminary investigation had been under way since 2011. This response was shared with the authors of the request for their comments. In the light of the information received, the Committee sent a follow-up note highlighting the State party's obligations to take concrete actions to search for the disappeared person and ensure that family members, relatives and representatives were duly informed and able to participate in the search and investigation processes;

(c) Brazil: in the case of Davi Santos Fiuza (urgent action No. 61/2014), a follow-up note requesting additional information was sent to the State party on 21 November 2017. The State party requested an extension of the deadline by which it was required to reply, which was extended to 15 December 2017. No reply has been received. Reminders have been sent to the State party;

(d) Cambodia: the urgent action registered on behalf of the minor Khem Sophath (urgent action No. 11/2014) is ongoing. In November 2017, the Committee sent a follow-up note requesting additional information and reminding the State party of its obligation to carry out search and investigation activities based on all existing scenarios in the case, including those pointing to the possible involvement of State agents in the events in question. No reply has been received. Reminders have been sent. The Committee has expressed its concern as to the lack of collaboration of the State party and the need to take specific measures to search for the disappeared person;

(e) Colombia: the information provided by the State party in the registered requests for urgent action indicates that investigations and searches often come to a standstill a few months after they begin. In a number of cases, the authors report that the Committee's notes have been followed by concrete actions, although such actions are usually isolated and do not form part of a clear-cut search and investigation strategy;

(f) Honduras: a total of 14 urgent action requests have been registered over the reporting period. The allegations submitted relate to two types of circumstances: (a) the disappearance of Manuel de Jesús Bautista Salvador, aged 24 years, which occurred in the context of the curfew adopted by an executive decree starting 1 December 2017 (see urgent action No. 444/2018); and (b) 13 cases of people who were disappeared while migrating (see urgent actions Nos. 454/2018 to 466/2018). In none of these cases is it clear where the events took place. There are only theories regarding possible disappearances in Mexico, Guatemala or the United States of America. However, these theories have never been investigated and it is alleged that the persons could have disappeared at other points along their migratory route. The Committee stated that, according to the information provided, those events could have taken place against a backdrop of violence and crime that directly affected migrants and included frequent unlawful detentions, disappearances and murders, for which State actors might be responsible through their actions, consent or omissions. In the light of this situation, the Committee requested that the State party adopt a comprehensive strategy for conducting thorough searches for missing persons and investigations into their disappearance, taking into account the State party's responsibility under article 9 of the Convention to take all necessary measures to establish its competence to exercise jurisdiction over the offence of enforced disappearance when the disappeared person was one of its nationals. In view of the circumstances in which the events occurred, the Committee requested the State party to take all necessary measures to promote international legal assistance between it and Guatemala, Mexico and the United States of America in accordance with article 14 of the Convention with a view to establishing the migratory route followed by the victims and the relevant facts. The State party has responded and the Committee is awaiting the authors' comments to these replies;

(g) Kazakhstan: in the two urgent action requests registered in 2017 on behalf of Zabit Kisi and Enver Kiliç (urgent action Nos. 415/2018 and 416/2018), the State party reported that the persons concerned had been placed on board an aeroplane to be deported to Turkey and that the authorities had heard nothing about their fate or whereabouts since then. In a follow-up note, the Committee stated that, under the Convention, the State party

was responsible for searching for and locating the disappeared persons as they had last been seen in the hands of its authorities. In that regard, the Committee evoked articles 14, 15 and 16 of the Convention. The Committee is awaiting a reply from the State party;

(h) Morocco: in the two urgent action requests registered in 2017, the State party informed the Committee of the alleged victims' place of detention. The information was shared with the authors, who confirmed that they had managed to contact the persons on behalf of whom the requests had been submitted. Following this confirmation, the urgent actions were discontinued, reminding the State party of its obligations under article 17 of the Convention;

(i) Mauritania: the State party informed the Committee of the place where the disappeared person was detained and stated that visits were authorized. This information was confirmed by the authors of the request for urgent action. In the light of the above, the Committee discontinued the request for urgent action, reminding the State party of its obligations under article 17 of the Convention;

(j) Sri Lanka: at the time of writing, the State party had replied neither to the registered request for urgent action, nor to the reminders nor to the invitation to meet the rapporteurs to discuss the procedure provided for under article 30 of the Convention.

42. In all registered requests for urgent action, the Committee continues to emphasize that it is essential for States parties to carry out search actions as soon as possible after the disappearance of the person concerned; to develop strategies for searching for disappeared persons and investigating their disappearance; and to take into account that such investigations are necessary, inter alia, to ensure that the perpetrators are identified, which can be the key to locating disappeared persons.

2. Interaction with authors

43. The Secretariat is in frequent contact with the authors of requests for urgent action, mainly by means of letters sent on behalf of the Committee, but also more directly by email and telephone. On the basis of the Committee's contact with authors, a few trends may be observed.

44. Authors continue to highlight the importance of the support provided by the Committee, which has proved to be a receptive contact point after several unsuccessful attempts at contacting the national authorities. With the exception of the cases related to events in Iraq, authors of urgent action requests also point out that, when the Committee has sent notes, they have received replies to particular requests, mainly concerning the implementation of specific investigative actions recommended by the Committee.

45. In most of these cases, however, the authors regularly report that such actions are not followed up. Very soon after requests for urgent action have been registered, the authors frequently express frustration at the States' failure to fulfil their search and investigation duties. They note with concern the failure of the authorities to undertake basic investigative steps to search for and locate missing persons, even when reliable information is available that could be used to advance the search and investigation.

46. The authors of requests for urgent action reiterate that, in older cases, the national authorities are taking less and less action to search for and locate disappeared persons and that they limit themselves to undertaking formal actions or repeating previous investigations. In other cases, the authors have drawn attention to the national authorities' failure, for instance, to ensure that all witnesses are duly interviewed as soon as possible to facilitate the search for disappeared persons and the investigation into their disappearance, or their failure to conduct relevant analysis of the available evidence (see, for example, those cases in which available telephone or video records have not been analysed until several months after they were submitted to the competent authorities).

47. One of the main trends observed is the difficulties faced by families and relatives of missing persons to participate in the search for the disappeared person and the investigation of their disappearance. These difficulties are mainly caused by the lack of information concerning the ongoing processes. The authors of requests state that, if they do not request

information, the authorities do not provide them with any information as to the actions taken, even when activities are being planned in which their participation might be relevant.

48. It has also been noted that, when the authorities have contacted family members and relatives in accordance with their obligations under the Convention, they have done so in a manner that re-victimizes them. In such cases, the Committee has reminded the State party of the content of article 24 (2) of the Convention. It has also emphasized that States parties are responsible for establishing mechanisms for reporting information to the families and relatives of missing persons with the aim of ensuring that they and their representatives can participate actively, and in an informed manner, at all stages of the investigative process, and that they are required to provide family members and relatives with adequate guidance on their rights and how to exercise them.

49. In the case of Mexico, the authors frequently report that support for the families and relatives of disappeared persons is very limited and not adapted to their needs. In cases in which such difficulties have been identified, the Committee has reminded the State party that protection and support measures must be established and implemented in consultation with beneficiaries in order to ensure that they meet their needs.

50. The Committee remains concerned by allegations that authors of requests for urgent action have been subjected to threats, pressure and reprisals, particularly in connection with events occurring in Mexico and Colombia. In these urgent action cases, the Committee requests the State party to adopt interim measures to protect the persons who are in danger. The Committee also emphasizes the importance of ensuring that these interim protective measures are implemented by authorities against which there are no allegations of possible involvement in the disappearance in question, and in coordination with the beneficiaries and their representatives to ensure that the measures fully meet their needs. To this end, the Committee requests the State party to convene regular coordination meetings between the authorities responsible for implementing the interim measures, and the beneficiaries and their representatives.

C. Urgent actions discontinued, closed or kept open for the protection of persons to whom interim measures have been granted

51. In accordance with the criteria adopted in plenary by the Committee at its eighth session:

(a) An urgent action is discontinued when the disappeared person has been located but is still detained. This is because the person in question is particularly vulnerable to being subjected to a further enforced disappearance and to being placed outside the protection of the law;

(b) An urgent action is closed when the missing person has been found at liberty or located and released, or has been found dead, provided that the relatives and/or authors do not contest these facts;

(c) An urgent action is kept open when the disappeared person has been located but the persons to whom interim measures have been granted in the context of the urgent action are still under threat. In such cases, the actions taken by the Committee are limited to following up on the interim measures.

52. Whenever informed by the author or the State party that a person has been located, the Committee waits for the confirmation of the information before closing or discontinuing the urgent action.

53. At the time of writing, the Committee had closed a total of 36 urgent action cases: in 15 of these cases the disappeared person had been located and released alive and in 21 cases the disappeared persons had been found dead.

54. In addition, the Committee has discontinued four requests for urgent action because the disappeared persons have been located but remain in detention.

55. In two urgent action cases, it has been determined that the disappeared person has been found dead but the urgent action remains open because the persons who were granted interim measures are still under threat.

D. Actions taken following the decisions adopted by the plenary at the thirteenth session and talking points for the plenary at its fourteenth session

56. At its thirteenth session, the Committee decided to take concrete action, with the support of the Secretariat, to disseminate information on the urgent action procedure, primarily to civil society organizations and State party officials. The rapporteurs and the secretariat have produced a simple information booklet, which is now available in English, French and Spanish.[2]

57. To the same end, the Committee would welcome an increase in opportunities for interacting with and training national authorities on the procedures and objectives of urgent actions, in collaboration with the field offices of OHCHR and the treaty body capacity-building programme, in order to raise awareness on the urgent action procedure.

58. The Committee reiterates that the number of registered urgent actions continues to rise, but that, instead of increasing the number of staff in charge of their registration and follow-up, staff numbers have fallen after the closure of the project funded by Germany. At the time of writing, only one staff member is in charge of the procedure, who is also responsible for the individual complaints for the Committee and the Committee on the Rights of Persons with Disabilities, and for supervising staff working on individual complaints for other committees.

[2] Available at www.ohchr.org/Documents/HRBodies/CED/CED_leaflet_A4_EN.pdf.

Chapter X
Communication procedure under article 31 of the Convention

59. At the thirteenth session, the rapporteur on communications and follow-up to Views presented his report, which was adopted by the plenary. In the report, the rapporteur presents the latest developments related to the implementation by the State party of the Committee's recommendations in its Views (violation) on communication 1/2013 (*Yrusta v. Argentina*). The Committee analysed the information provided by the State party and the authors of the communication and decided to maintain the follow-up. The rapporteur sent a follow-up note verbale to the State party, expressing concern at the non-implementation of the Views, and requesting additional information regarding the measures taken by State party's authorities in that regard. The follow-up procedure is ongoing.

60. An individual complaint was registered by the Committee under article 31 of the Convention against Czechia (communication 2/2017). In April 2018, the author indicated that her daughter had been located. The Committee welcomed this information. Taking into account that the allegations raised by the author were directly linked to the individual situation of her daughter that had been resolved, the Committee considered that the subject matter of the submitted complaint was moot and decided to discontinue its examination of the communication.

Chapter XI
Visits under article 33 of the Convention

61. The Committee recalled the previous exchange of correspondence with Mexico, which started in May 2013, regarding the possibility of visiting the State party pursuant to article 33 of the Convention.

62. On 17 May 2018, the State indicated to the Committee in a written submission that it was not in a position to accept the request of the Committee to undertake a visit to the State party. However, it expressed its willingness and commitment to continue the cooperation and dialogue with the Committee. The Committee decided to reiterate its request for a visit to the State party.

Annex I

Membership of the Committee and terms of office as at 1 June 2018

Name of member	*State party*	*Term of office expires*
Mohammed **Ayat**	Morocco	30 June 2021
Moncef **Baati**	Tunisia	30 June 2021
Emmanuel **Decaux**	France	30 June 2019
Maria Clara **Galvis Patiño**	Colombia	30 June 2019
Daniel Figallo **Rivadeneyra**	Peru	30 June 2019
Rainer **Huhle**	Germany	30 June 2019
Suela **Janina**	Albania	30 June 2019
Milica **Kolakovic-Bojovic**	Serbia	30 June 2021
Horacio **Ravenna**	Argentina	30 June 2021
Koji **Teraya**	Japan	30 June 2021

Annex II

List of documents before the Committee at its thirteenth and fourteenth sessions

CED/C/13/1	Annotated provisional agenda of the thirteenth session
CED/C/13/4	Report on follow-up to concluding observations of the Committee on Enforced Disappearances
CED/C/14/1	Annotated provisional agenda of the fourteenth session
CED/C/GAB/1	Report submitted by Gabon
CED/C/GAB/Q/1	List of issues in relation to the report submitted by Gabon
CED/C/GAB/Q/1/Add.1	Replies to the list of issues on the report submitted by Gabon
CED/C/GAB/CO/1	Concluding observations on the report submitted by Gabon
CED/C/LTU/1	Report submitted by Lithuania
CED/C/LTU/Q/1	List of issues in relation to the report submitted by Lithuania
CED/C/LTU/Q/1/Add.1	Replies to the list of issues on the report submitted by Lithuania
CED/C/LTU/CO/1	Concluding observations on the report submitted by Lithuania
CED/C/ALB/1	Report submitted by Albania
CED/C/ALB/Q/1	List of issues in relation to the report submitted by Albania
CED/C/ALB/Q/1/Add.1	Replies to the list of issues on the report submitted by Albania
CED/C/ALB/CO/1	Concluding observations on the report submitted by Albania
CED/C/AUT/1	Report submitted by Austria
CED/C/AUT/Q/1	List of issues in relation to the report submitted by Austria
CED/C/AUT/Q/1/Add.1	Replies to the list of issues on the report submitted by Austria
CED/C/AUT/CO/1	Concluding observations on the report submitted by Austria
CED/C/HND/1	Report submitted by Honduras
CED/C/HND/Q/1	List of issues in relation to the report submitted by Honduras
CED/C/HND/Q/1/Add.1	Replies to the list of issues on the report submitted by Honduras
CED/C/HND/CO/1	Concluding observations on the report submitted by Honduras
CED/C/1	Rules of procedure

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